

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/574,779

Applicant(s)

MAEDA ET AL.

Examiner

JIE YANG

Art Unit

1793

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 May 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-5, 7-9 and 13-15.
Claim(s) withdrawn from consideration: 11, 12 and 17-19.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: form 892 is attached.

/ Roy King/
Supervisory Patent Examiner, Art Unit 1793

/JieYang/

Continuation of 7. Claims 6, 10, and 16 have been cancelled; claim 1 is amended; claims 11, 12, and 17-19 are withdrawn from consideration as non-elected claims; and claims 1-5, 7-9, and 13-15 remains for examination.

Previous rejection of claim 16 under 35 U.S.C. 103(a) is withdrawn since claim 16 has been cancelled.

Previous rejections of claims 1-5, 7-9 and, 13-15 under 35 U.S.C. 103(a) are still maintained. The detail rejections can refer to the previous office action marked 2/16/2010. A new evidence reference Pitolaj (US 4,913,951, thereafter US'951) is introduced for the rejections. Regarding the newly added limitation of in said quenching, a pressing pressure by said molds is at least 2.94 N/cm² in the instant claim 1, JP'214 teaches the molded article cools simultaneously with fabrication using a metallic mold to a refrigerant, and the process is performed in the state where it pinched as it is. Therefore, the distortion generated by rapid cooling processing can be prevented. (Paragraph [0010] of JP'214). As pointed out in the previous office action in the rejection for claim 16, the pressing pressure is recognized as a result-effective variable in term of the mold pressing result, which depends on materials, heat temperature, and dimension of working piece. JP'214 teaches the same molding-heat, quenching, tempering processing on the similar carbon steel as recited in the instant invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to optimize the pressing pressure, for example at least 2.94 N/cm² as claimed in the instant claim in order to obtain the desired working pieces. This position is further evidenced by Pitolaj (US 4,913,951, thereafter US'951). US'951 teaches a method to fabricate a reinforced PTFE gasketing material by pressing forming method (Abstract of US'951), which includes stainless steel layer (Abstract and Fig.2-3 of US'951). US'951 teaches applying different pressure during heating and cooling on the forming mold (Fig.2-6, Table I and Col.6, line 41 to Col.8, line 8 of US'951). the pressure of 600 PSI or more taught by US'951 is within the pressure range of at least 2.94 N/cm² as recited in the instant claim. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention made to apply proper pressure, for example at least 2.94 N/cm² as evidenced by US'951 in the process of JP'214 in view of US'227 in order to obtain a desired press forming articles (Abstract of US'951).

Continuation of 11. does NOT place the application in condition for allowance because: the Applicant argues:

The JP'214 does not teach the claimed pressing pressure at least 2.94 N/cm² of the instant claim 1. The Examiner did not provide any evidential support showing any relationship among the temperature in the heat treatment, the material and dimension of the work piece, and the pressing pressure in the quenching process.

In response:

JP'214 teaches the molded article cools simultaneously with fabrication using a metallic mold to a refrigerant, and the process is performed in the state where it pinched as it is. Therefore, the distortion generated by rapid cooling processing can be prevented. (Paragraph [0010] of JP'214). Although JP'214 does not specify the pressing pressure at least 2.94 N/cm², but adjusting pressing pressure during pressing forming in order to prevent distortion is obvious to one of ordinary skill in the art. This position is further evidenced by US'951 as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jie Yang whose telephone number is 571-2701884. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 571-2721244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.